

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 05-63070

WADIA MARKET,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER DISMISSING CASE**

On September 8, 2004, Debtor Wadia Market filed a voluntary petition for relief under Chapter 13 (Case No. 04-65340). On October 4, 2004, the Court, entered an “Order to Show Cause” in Case No. 04-65340, requiring “the debtor and its representative, Josiah Sanchez, [to] appear and show cause why this bankruptcy case should not be dismissed, and sanctions imposed for abuse of process,” because it appears “that the debtor may not be eligible for Chapter 13 relief under 11 U.S.C. § 109(e).”

On October 21, 2004, the Court held a hearing on its Order to Show Cause and Josiah Sanchez appeared. At the hearing, based on statements by Josiah Sanchez, it was established that Debtor Wadia Market is an entity, rather than an individual, and therefore, that under 11 U.S.C. § 109(e), it is not eligible to be a debtor under Chapter 13. On October 22, 2004, the Court entered an Order dismissing Case No. 04-65340.

On July 21, 2005, Wadia Market filed yet another voluntary petition for relief under Chapter 13, commencing the present case. However, because Wadia Market is an entity, as established at the show cause hearing in the previous case, it is not eligible to be a debtor under Chapter 13. Accordingly,

IT IS ORDERED that this Chapter 13 case is DISMISSED.

IT IS FURTHER ORDERED that Wadia Market and Josiah Sanchez each is enjoined from filing any further petitions for relief under Chapter 13 on behalf of Wadia Market.

Date: July 28, 2005

/s/ Thomas J. Tucker  
Thomas J. Tucker  
United States Bankruptcy Judge

cc: Tammy L. Terry, Trustee

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Not for publication